

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2636 of 2016

ORDER:

The revision petitioner is the accused in C.C. No.178 of 2013 on the file of Judicial Magistrate of First Class, Special Mobile Court, Eluru, which is outcome of Crime No.322 of 2011 of Eluru II Town Police Station, on the report of his wife by name Smt.Viswanadham Rangamani, for the offense punishable under Sections 323 and 498-A IPC. The police after investigation filed final report and the learned Magistrate has taken cognizance for the offences supra against the accused and after supply of copies and on hearing, charges framed, put to trial and in the course of trial, on behalf of prosecution besides de facto complainant—PW.1, five more witnesses were examined and Exs.P1 to P4 were marked including Ex.P2—wound certificate, Ex.P3—hospital intimation, Ex.P4—FIR from Ex.P1 report of PW.1.

2) There is no any independent witness examined by the accused, but for tested the veracity of the witnesses viz., PWs.1 to 6 in the cross examination. It is from said material, the trial Court having succinctly discussed the evidence observed that despite Ex.P2—wound certificate no way shows any external injury to PW.1, she categorically stated before the Doctor that she was beaten by her husband within the four walls and PW.5—neighbour to the house of PW.1 and accused also deposed that there were frequent quarrels and altercations between the couple when that substantiates her evidence, there is nothing to disbelieve her. As what PW.1 deposed is she was beaten, kicked by her husband and

he pressed her neck and for the cries and alarm, neighbours came and that too, when it is not stated that she sustained any external injury.

3) Having regard to the said concurrent findings of the Courts below in coming to the conclusion that both the offences punishable under Sections 498-A and 323 IPC are proved, no way requires interference to that extent.

4) Now coming to the quantum of sentence, the trial Court sentenced to undergo rigorous imprisonment for a period of one year for the offence under Section 323 IPC and further sentenced to undergo rigorous imprisonment for a period of one year and also sentenced to pay a fine of Rs.5,000/- in default of payment of fine, sentenced to undergo simple imprisonment for a period of three months for the offence under Section 498-A IPC and the lower appellate Court in its judgment dated 16.09.2016 in Crl.A. No.225 of 2014 modified said conviction judgment of the trial Court passed in C.C. No.178 of 2013 by reducing to three months imprisonment for the offence under Section 323 IPC and sentenced to undergo simple imprisonment of one year with fine of Rs.5,000/- in default to undergo simple imprisonment of three months for the offence under Section 498-A IPC.

5) No doubt, as can be seen from Ex.P2, there are no external injuries even PW.1 present, from what is also pointed out, the ill-treatment of complainant within the four walls is proved.

6) By taking into consideration all these facts, while confirming the conviction imposed on the petitioner/ accused by the Courts below, the sentence of imprisonment is modified to that of the period already undergone by him in the prison, with fine of Rs.5,000/- since paid. The accused shall be released from jail, if he is not necessary to be detained in any other cases.

7) Accordingly and in the result, the revision is disposed of.

8) As a sequel, miscellaneous petitions if any pending shall stand closed.

Dt.03.03.2017
knl

Note: Issue CC by 15.03.2017



Dr. B. SIVA SANKARA RAO, J

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2636 of 2016



Date:03.03.2017

knl